

AS

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 94-562-C - ORDER NO. 97-358
APRIL 30, 1997

IN RE: Joint Petition of the Consumer Advocate) ORDER
for the State of South Carolina and the) APPROVING
South Carolina Cable Television Association) SETTLEMENT
to Review Earnings of Southern Bell for) AND CLOSING
1993 and 1994.) DOCKET

This Docket was opened by the Public Service Commission of South Carolina (the Commission) on a Joint Petition filed by the Consumer Advocate for the State of South Carolina (the Consumer Advocate) and the South Carolina Cable Television Association (SCCTA) to review the earnings of BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (BellSouth) for calendar years 1993 and 1994. The Petition requested that the Commission order BellSouth to refund to customers all amounts earned during 1993 and 1994 in excess of its authorized rate of return.

On September 14, 1994, this Commission issued Order No. 94-943 holding the Petition of the Consumer Advocate and SCCTA in abeyance until such time as the Commission issued its Order in Docket No. 93-503-C, a proceeding to review BellSouth's earnings during 1992. We reasoned that our decision in that Docket could establish precedent on similar issues to be considered in reviewing BellSouth's earnings in 1993 and 1994.

On February 8, 1995, this Commission issued Order No. 95-361 continuing to hold the matter in abeyance until a final ruling was issued by the appellate courts on the legality of the refunds required by Commission Orders issued in Docket No. 93-503-C. Along with other issues, the portion of those Orders requiring refunds had been appealed to the Court Court. We believed that the resolution of the refund issue by the courts in those appeals could impact our decision in reviewing BellSouth's earnings for calendar years 1993 and 1994, making it prudent to await the decision of the appellate courts.


The litigation arising out the appeals of the Commission Orders in Docket No. 93-503-C has now been settled. As a part of that settlement, BellSouth agreed to make payments in the form of refunds and credits totaling \$80,000,000.00, less \$7,600,000.00 previously refunded, leaving a net amount of \$72,400,000.00 to be refunded or credited to its customers pursuant to the terms set forth in the Circuit Court's Order of Dismissal, dated April 29, 1997, and issued, filed, and served in Civil Action Numbers 95-CP-40-0368, 95-CP-40-0407, and 95-CP-40-0697. The terms of the settlement agreement as set forth in the Court's Order of Dismissal are incorporated herein by this reference as if reiterated verbatim. The Commission finds that the settlement is in the public interest and assures that customers of BellSouth will promptly receive payments in the form of refunds and credits sheltered from the delays and uncertainties of continuing litigation. The settlement agreement includes all payments,

refunds and credits due for calendar years 1993 and 1994, as well as calendar year 1992.


NOW THEREFORE, we hold that the Petition of the Consumer Advocate and SCCTA herein is dismissed and that this Docket is hereby closed, with prejudice.

IT IS SO ORDERED.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Deputy Executive Director
(SEAL)